

Issued July 12, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2425.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Morgan Bros. Plea of guilty to charge of adulteration. Fine, \$5. Charge of misbranding nolle prossed.

ADULTERATION AND ALLEGED MISBRANDING OF TINCTURE OF IODINE.

On January 23, 1913, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Malcolm Ward Morgan and Joseph Harold Morgan, a copartnership, trading under the firm name and style of Morgan Bros., Washington, D. C., alleging the sale by said defendants, at the District aforesaid, in violation of the Food and Drugs Act, on July 15, 1913, of a quantity of tincture of iodine which was adulterated and misbranded. The product was labeled: (On bottle) "Tinct. Iodine, U. S. P. (Skull and cross bones) Poison Poison Contains 90% Absolute Alcohol by volume. Antidote—Emetics and follow with drinks of flour or starch in water; Milk. (Monogram) JHM, Morgan Bros. Pharmacists, Cor. 30th and P Sts., N. W., Washington, D. C." (Blown in bottle): "Morgan Bros. Pharmacists M 30th and P Sts., N. W., Wash., D. C."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Iodine (grams per 100 cc), 1.97; potassium iodide (grams per 100 cc), 1.3; alcohol (per cent by volume), 86. Adulteration of the product was alleged in the information for the reason that it was offered for sale and sold under and by a name, to wit, tincture of iodine, which name was recognized in the United States Pharmacopœia official at the

time of the investigation, and said drug differed from the standard of strength and purity as determined by the test laid down in said Pharmacopœia. Misbranding was alleged for the reason that the product was branded and labeled so as to deceive and mislead the purchaser, in that the label on the bottle bore the words and phrase "Tinct. Iodine", meaning and importing to the purchaser thereof that the product was tincture of iodine, conforming to the standard set forth in the United States Pharmacopœia, whereas, in truth and in fact, it was not.

On January 23, 1913, the defendants entered a plea of guilty to the first count of the information, charging adulteration, and the court imposed a fine of \$5. A nolle prosequi was entered as to the second count of the information, charging misbranding of the product.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 12, 1913.*

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